

ENTERED

July 19, 2024

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,

§

V.

§

CRIMINAL NO. H-23-265

SERGIO JIMENEZ-LOPEZ

§

§

REPORT AND RECOMMENDATION

Before the court, by referral pursuant to 28 U.S.C. §636(b), is the matter of the re-arraignment of Sergio Jimenez-Lopez, the defendant in this action. On July 19, 2024, Defendant Jimenez-Lopez appeared with counsel before the undersigned magistrate judge for the purpose of entering a guilty plea to Count 1 of the Indictment, which charges him with illegal reentry into the United States after deportation in violation of 8 U.S.C. §§ 1326 (a) and (b).

Jimenez-Lopez consented in writing to plead guilty before a United States Magistrate Judge. After conducting the proceeding in the form and manner prescribed by Rule 11 of the Federal Rules of Criminal Procedure, this court makes the following findings of fact:

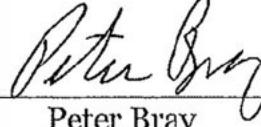
1. Jimenez-Lopez, after consultation with counsel of record and with the approval of the government, has knowingly and voluntarily consented to be advised of his rights and to enter a plea of guilty before a U.S. Magistrate Judge subject to final approval and imposition of sentence by United States District Judge David Hittner.
2. Jimenez-Lopez is fully competent and capable of entering an informed plea.

3. Jimenez-Lopez is aware of the nature of the charges, the maximum and minimum punishment range and other penalties that may be imposed at sentencing.
4. Jimenez-Lopez understands his constitutional and statutory rights and wishes to waive those rights.
5. Jimenez-Lopez understands that the sentencing judge is not bound by any recommendation on sentencing made by either counsel for the government or counsel for the defendant, and that if a recommendation on sentencing is not followed by the sentencing judge, he may not withdraw his plea of guilty.
6. Jimenez-Lopez's plea of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense charged in Count 1 of the Indictment.

Based upon the foregoing, it is **RECOMMENDED** that the guilty plea of Sergio Jimenez-Lopez to Count 1 of the Indictment be accepted by the court and that Sergio Jimenez-Lopez be adjudged guilty of the offenses alleged in Count 1 of the Indictment.

The Clerk shall send copies of this Report and Recommendation to the respective parties who have fourteen (14) days from the receipt thereof to file written objections thereto pursuant to General Order 2002-13. Failure to file written objections within the time period mentioned shall bar an aggrieved party from attacking the factual findings and legal conclusions on appeal.

SIGNED at Houston, Texas, on July 19, 2024.



Peter Bray
United States Magistrate Judge